
HOUSE BILL 1922

State of Washington

67th Legislature

2022 Regular Session

By Representative Rule

Read first time 01/11/22. Referred to Committee on Public Safety.

1 AN ACT Relating to criminal penalties for possession of fentanyl;
2 amending RCW 69.50.4013, 69.50.4013, 9.94A.518, 10.31.115, and
3 13.40.0357; prescribing penalties; providing an effective date; and
4 providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 69.50.4013 and 2021 c 311 s 9 are each amended to
7 read as follows:

8 (1) It is unlawful for any person to knowingly possess a
9 controlled substance unless the substance was obtained directly from,
10 or pursuant to, a valid prescription or order of a practitioner while
11 acting in the course of his or her professional practice, or except
12 as otherwise authorized by this chapter.

13 (2) (a) Except as provided in RCW 69.50.4014 and (b) of this
14 subsection, any person who violates this section is guilty of a
15 misdemeanor.

16 (b) Any person who violates this section by knowingly possessing
17 fentanyl is guilty of a class C felony punishable according to
18 chapter 9A.20 RCW.

19 (3) The prosecutor is encouraged to divert cases under this
20 section for assessment, treatment, or other services.

1 (4) (a) The possession, by a person (~~(twenty-one)~~) 21 years of age
2 or older, of useable marijuana, marijuana concentrates, or marijuana-
3 infused products in amounts that do not exceed those set forth in RCW
4 69.50.360(3) is not a violation of this section, this chapter, or any
5 other provision of Washington state law.

6 (b) The possession of marijuana, useable marijuana, marijuana
7 concentrates, and marijuana-infused products being physically
8 transported or delivered within the state, in amounts not exceeding
9 those that may be established under RCW 69.50.385(3), by a licensed
10 employee of a common carrier when performing the duties authorized in
11 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
12 this section, this chapter, or any other provision of Washington
13 state law.

14 (5) (a) The delivery by a person (~~(twenty-one)~~) 21 years of age or
15 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,
16 during a single (~~(twenty-four)~~) 24-hour period, for noncommercial
17 purposes and not conditioned upon or done in connection with the
18 provision or receipt of financial consideration, of any of the
19 following marijuana products, is not a violation of this section,
20 this chapter, or any other provisions of Washington state law:

- 21 (i) One-half ounce of useable marijuana;
22 (ii) Eight ounces of marijuana-infused product in solid form;
23 (iii) Thirty-six ounces of marijuana-infused product in liquid
24 form; or
25 (iv) Three and one-half grams of marijuana concentrates.

26 (b) The act of delivering marijuana or a marijuana product as
27 authorized under this subsection (5) must meet one of the following
28 requirements:

29 (i) The delivery must be done in a location outside of the view
30 of general public and in a nonpublic place; or

31 (ii) The marijuana or marijuana product must be in the original
32 packaging as purchased from the marijuana retailer.

33 (6) No person under (~~(twenty-one)~~) 21 years of age may possess,
34 manufacture, sell, or distribute marijuana, marijuana-infused
35 products, or marijuana concentrates, regardless of THC concentration.
36 This does not include qualifying patients with a valid authorization.

37 (7) The possession by a qualifying patient or designated provider
38 of marijuana concentrates, useable marijuana, marijuana-infused
39 products, or plants in accordance with chapter 69.51A RCW is not a

1 violation of this section, this chapter, or any other provision of
2 Washington state law.

3 **Sec. 2.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to
4 read as follows:

5 (1)(a) It is unlawful for any person to possess a controlled
6 substance unless the substance was obtained directly from, or
7 pursuant to, a valid prescription or order of a practitioner while
8 acting in the course of his or her professional practice, or except
9 as otherwise authorized by this chapter.

10 (b) It is unlawful for any person to knowingly possess fentanyl
11 unless obtained directly from, or pursuant to, a valid prescription
12 or order of a practitioner while acting in the course of his or her
13 professional practice, or except as otherwise authorized by this
14 chapter.

15 (2) Except as provided in RCW 69.50.4014, any person who violates
16 this section is guilty of a class C felony punishable under chapter
17 9A.20 RCW.

18 (3)(a) The possession, by a person (~~(twenty-one)~~) 21 years of age
19 or older, of useable marijuana, marijuana concentrates, or marijuana-
20 infused products in amounts that do not exceed those set forth in RCW
21 69.50.360(3) is not a violation of this section, this chapter, or any
22 other provision of Washington state law.

23 (b) The possession of marijuana, useable marijuana, marijuana
24 concentrates, and marijuana-infused products being physically
25 transported or delivered within the state, in amounts not exceeding
26 those that may be established under RCW 69.50.385(3), by a licensed
27 employee of a common carrier when performing the duties authorized in
28 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
29 this section, this chapter, or any other provision of Washington
30 state law.

31 (4)(a) The delivery by a person (~~(twenty-one)~~) 21 years of age or
32 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,
33 during a single (~~(twenty-four)~~) 24-hour period, for noncommercial
34 purposes and not conditioned upon or done in connection with the
35 provision or receipt of financial consideration, of any of the
36 following marijuana products, is not a violation of this section,
37 this chapter, or any other provisions of Washington state law:

38 (i) One-half ounce of useable marijuana;

39 (ii) Eight ounces of marijuana-infused product in solid form;

1 (iii) Thirty-six ounces of marijuana-infused product in liquid
2 form; or

3 (iv) Three and one-half grams of marijuana concentrates.

4 (b) The act of delivering marijuana or a marijuana product as
5 authorized under this subsection (4) must meet one of the following
6 requirements:

7 (i) The delivery must be done in a location outside of the view
8 of general public and in a nonpublic place; or

9 (ii) The marijuana or marijuana product must be in the original
10 packaging as purchased from the marijuana retailer.

11 (5) No person under (~~twenty-one~~) 21 years of age may possess,
12 manufacture, sell, or distribute marijuana, marijuana-infused
13 products, or marijuana concentrates, regardless of THC concentration.
14 This does not include qualifying patients with a valid authorization.

15 (6) The possession by a qualifying patient or designated provider
16 of marijuana concentrates, useable marijuana, marijuana-infused
17 products, or plants in accordance with chapter 69.51A RCW is not a
18 violation of this section, this chapter, or any other provision of
19 Washington state law.

20 **Sec. 3.** RCW 9.94A.518 and 2021 c 311 s 15 are each amended to
21 read as follows:

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23 TABLE 4
24 DRUG OFFENSES
25 INCLUDED WITHIN EACH
26 SERIOUSNESS LEVEL

27 III Any felony offense under chapter
28 69.50 RCW with a deadly weapon
29 special verdict under RCW
30 9.94A.825

31 Controlled Substance Homicide (RCW
32 69.50.415)

33 Delivery of imitation controlled
34 substance by person (~~eighteen~~)
35 18 or over to person under
36 (~~eighteen~~) 18 (RCW
69.52.030(2))

1 Involving a minor in drug dealing
2 (RCW 69.50.4015)

3 Manufacture of methamphetamine
4 (RCW 69.50.401(2)(b))

5 Over 18 and deliver heroin,
6 methamphetamine, a narcotic from
7 Schedule I or II, or flunitrazepam
8 from Schedule IV to someone
9 under 18 (RCW 69.50.406)

10 Over 18 and deliver narcotic from
11 Schedule III, IV, or V or a
12 nonnarcotic, except flunitrazepam
13 or methamphetamine, from
14 Schedule I-V to someone under 18
15 and ~~((3))~~ three years junior (RCW
16 69.50.406)

17 Possession of Ephedrine,
18 Pseudoephedrine, or Anhydrous
19 Ammonia with intent to
20 manufacture methamphetamine
21 (RCW 69.50.440)

22 Selling for profit (controlled or
23 counterfeit) any controlled
24 substance (RCW 69.50.410)

25 II Create or deliver a counterfeit
26 controlled substance (RCW
27 69.50.4011(1)(a))

28 Deliver or possess with intent to
29 deliver methamphetamine (RCW
30 69.50.401(2)(b))

31 Delivery of a material in lieu of a
32 controlled substance (RCW
33 69.50.4012)

34 Maintaining a Dwelling or Place for
35 Controlled Substances (RCW
36 69.50.402(1)(f))

1 Manufacture, deliver, or possess with
2 intent to deliver amphetamine
3 (RCW 69.50.401(2)(b))

4 Manufacture, deliver, or possess with
5 intent to deliver narcotics from
6 Schedule I or II or flunitrazepam
7 from Schedule IV (RCW
8 69.50.401(2)(a))

9 Manufacture, deliver, or possess with
10 intent to deliver narcotics from
11 Schedule III, IV, or V or
12 nonnarcotics from Schedule I-V
13 (except marijuana, amphetamine,
14 methamphetamines, or
15 flunitrazepam) (RCW
16 69.50.401(2) (c) through (e))

17 Manufacture, distribute, or possess
18 with intent to distribute an
19 imitation controlled substance
20 (RCW 69.52.030(1))

21 I Forged Prescription (RCW 69.41.020)

22 Forged Prescription for a Controlled
23 Substance (RCW 69.50.403)

24 Manufacture, deliver, or possess with
25 intent to deliver marijuana (RCW
26 69.50.401(2)(c))

27 Possession of Fentanyl (RCW
28 69.50.4013(2)(b))

29 Unlawful Use of Building for Drug
30 Purposes (RCW 69.53.010)

31 **Sec. 4.** RCW 10.31.115 and 2021 c 311 s 13 are each amended to
32 read as follows:

33 (1) (~~For~~) Except as provided in subsection (3) of this section,
34 for all individuals who otherwise would be subject to arrest for
35 possession of a counterfeit substance under RCW 69.50.4011,
36 possession of a controlled substance under RCW 69.50.4013, possession
37 of 40 grams or less of marijuana under RCW 69.50.4014, or possession

1 of a legend drug under RCW 69.41.030(2)(b), in lieu of jail booking
 2 and referral to the prosecutor, law enforcement shall offer a
 3 referral to assessment and services available pursuant to RCW
 4 10.31.110 or other program or entity responsible for receiving
 5 referrals in lieu of legal system involvement, which may include the
 6 recovery navigator program established under RCW 71.24.115.

7 (2) If law enforcement agency records reflect that an individual
 8 has been diverted to referral for assessment and services twice or
 9 more previously, officers may, but are not required to, make
 10 additional diversion efforts.

11 (3) The requirements in subsections (1) and (2) of this section
 12 do not apply to persons who are subject to arrest for possession of
 13 fentanyl under RCW 69.50.4013.

14 (4) Nothing in this section precludes prosecutors from diverting
 15 or declining to file any charges for possession offenses that are
 16 referred under RCW 69.50.4011, 69.50.4013, 69.50.4014, or
 17 69.41.030(2)(b) in the exercise of their discretion.

18 **Sec. 5.** RCW 13.40.0357 and 2021 c 311 s 16 are each amended to
 19 read as follows:

20 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

26 **Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E

1	A	Possession of Incendiary Device	B+
2		(9.40.120)	
3		Assault and Other Crimes Involving	
4		Physical Harm	
5	A	Assault 1 (9A.36.011)	B+
6	B+	Assault 2 (9A.36.021)	C+
7	C+	Assault 3 (9A.36.031)	D+
8	D+	Assault 4 (9A.36.041)	E
9	B+	Drive-By Shooting (9A.36.045)	C+
10		committed at age 15 or under	
11	A++	Drive-By Shooting (9A.36.045)	A
12		committed at age 16 or 17	
13	D+	Reckless Endangerment (9A.36.050)	E
14	C+	Promoting Suicide Attempt (9A.36.060)	D+
15	D+	Coercion (9A.36.070)	E
16	C+	Custodial Assault (9A.36.100)	D+
17		Burglary and Trespass	
18	B+	Burglary 1 (9A.52.020) committed at	C+
19		age 15 or under	
20	A-	Burglary 1 (9A.52.020) committed at	B+
21		age 16 or 17	
22	B	Residential Burglary (9A.52.025)	C
23	B	Burglary 2 (9A.52.030)	C
24	D	Burglary Tools (Possession of)	E
25		(9A.52.060)	
26	D	Criminal Trespass 1 (9A.52.070)	E
27	E	Criminal Trespass 2 (9A.52.080)	E
28	C	Mineral Trespass (78.44.330)	C
29	C	Vehicle Prowling 1 (9A.52.095)	D
30	D	Vehicle Prowling 2 (9A.52.100)	E
31		Drugs	
32	E	Possession/Consumption of Alcohol	E
33		(66.44.270)	
34	C	Illegally Obtaining Legend Drug	D
35		(69.41.020)	

1	C+	Sale, Delivery, Possession of Legend	D+
2		Drug with Intent to Sell (69.41.030(2)(a))	
3	E	Possession of Legend	E
4		Drug (69.41.030(2)(b))	
5	B+	Violation of Uniform Controlled	B+
6		Substances Act - Narcotic,	
7		Methamphetamine, or Flunitrazepam	
8		Sale (69.50.401(2) (a) or (b))	
9	C	Violation of Uniform Controlled	C
10		Substances Act - Nonnarcotic Sale	
11		(69.50.401(2)(c))	
12	E	Possession of Marihuana <40 grams	E
13		(69.50.4014)	
14	<u>C</u>	<u>Possession of Fentanyl</u>	<u>C</u>
15		<u>(69.50.4013(2)(b))</u>	
16	C	Fraudulently Obtaining Controlled	C
17		Substance (69.50.403)	
18	C+	Sale of Controlled Substance for Profit	C+
19		(69.50.410)	
20	E	Unlawful Inhalation (9.47A.020)	E
21	B	Violation of Uniform Controlled	B
22		Substances Act - Narcotic,	
23		Methamphetamine, or Flunitrazepam	
24		Counterfeit Substances (69.50.4011(2)	
25		(a) or (b))	
26	C	Violation of Uniform Controlled	C
27		Substances Act - Nonnarcotic Counterfeit	
28		Substances (69.50.4011(2) (c), (d), or (e))	
29	E	Violation of Uniform Controlled	E
30		Substances Act - Possession of a	
31		Controlled Substance (69.50.4013(2)(a))	
32	C	Violation of Uniform Controlled	C
33		Substances Act - Possession of a	
34		Controlled Substance (69.50.4012)	
35		Firearms and Weapons	
36	B	Theft of Firearm (9A.56.300)	C
37	B	Possession of Stolen Firearm	C
38		(9A.56.310)	

1	E	Carrying Loaded Pistol Without Permit	E
2		(9.41.050)	
3	C	Possession of Firearms by Minor (<18)	C
4		(9.41.040(2)(a)(vi))	
5	D+	Possession of Dangerous Weapon	E
6		(9.41.250)	
7	D	Intimidating Another Person by use of	E
8		Weapon (9.41.270)	
9		Homicide	
10	A+	Murder 1 (9A.32.030)	A
11	A+	Murder 2 (9A.32.050)	B+
12	B+	Manslaughter 1 (9A.32.060)	C+
13	C+	Manslaughter 2 (9A.32.070)	D+
14	B+	Vehicular Homicide (46.61.520)	C+
15		Kidnapping	
16	A	Kidnap 1 (9A.40.020)	B+
17	B+	Kidnap 2 (9A.40.030)	C+
18	C+	Unlawful Imprisonment (9A.40.040)	D+
19		Obstructing Governmental Operation	
20	D	Obstructing a Law Enforcement Officer	E
21		(9A.76.020)	
22	E	Resisting Arrest (9A.76.040)	E
23	B	Introducing Contraband 1 (9A.76.140)	C
24	C	Introducing Contraband 2 (9A.76.150)	D
25	E	Introducing Contraband 3 (9A.76.160)	E
26	B+	Intimidating a Public Servant	C+
27		(9A.76.180)	
28	B+	Intimidating a Witness (9A.72.110)	C+
29		Public Disturbance	
30	C+	Criminal Mischief with Weapon	D+
31		(9A.84.010(2)(b))	
32	D+	Criminal Mischief Without Weapon	E
33		(9A.84.010(2)(a))	
34	E	Failure to Disperse (9A.84.020)	E
35	E	Disorderly Conduct (9A.84.030)	E
36		Sex Crimes	

1	A	Rape 1 (9A.44.040)	B+
2	B++	Rape 2 (9A.44.050) committed at age 14	B+
3		or under	
4	A-	Rape 2 (9A.44.050) committed at age 15	B+
5		through age 17	
6	C+	Rape 3 (9A.44.060)	D+
7	B++	Rape of a Child 1 (9A.44.073)	B+
8		committed at age 14 or under	
9	A-	Rape of a Child 1 (9A.44.073)	B+
10		committed at age 15	
11	B+	Rape of a Child 2 (9A.44.076)	C+
12	B	Incest 1 (9A.64.020(1))	C
13	C	Incest 2 (9A.64.020(2))	D
14	D+	Indecent Exposure (Victim <14)	E
15		(9A.88.010)	
16	E	Indecent Exposure (Victim 14 or over)	E
17		(9A.88.010)	
18	B+	Promoting Prostitution 1 (9A.88.070)	C+
19	C+	Promoting Prostitution 2 (9A.88.080)	D+
20	E	O & A (Prostitution) (9A.88.030)	E
21	B+	Indecent Liberties (9A.44.100)	C+
22	B++	Child Molestation 1 (9A.44.083)	B+
23		committed at age 14 or under	
24	A-	Child Molestation 1 (9A.44.083)	B+
25		committed at age 15 through age 17	
26	B	Child Molestation 2 (9A.44.086)	C+
27	C	Failure to Register as a Sex Offender	D
28		(9A.44.132)	
29		Theft, Robbery, Extortion, and	
30		Forgery	
31	B	Theft 1 (9A.56.030)	C
32	C	Theft 2 (9A.56.040)	D
33	D	Theft 3 (9A.56.050)	E
34	B	Theft of Livestock 1 and 2 (9A.56.080	C
35		and 9A.56.083)	
36	C	Forgery (9A.60.020)	D

1	A	Robbery 1 (9A.56.200) committed at	B+
2		age 15 or under	
3	A++	Robbery 1 (9A.56.200) committed at	A
4		age 16 or 17	
5	B+	Robbery 2 (9A.56.210)	C+
6	B+	Extortion 1 (9A.56.120)	C+
7	C+	Extortion 2 (9A.56.130)	D+
8	C	Identity Theft 1 (9.35.020(2))	D
9	D	Identity Theft 2 (9.35.020(3))	E
10	D	Improperly Obtaining Financial	E
11		Information (9.35.010)	
12	B	Possession of a Stolen Vehicle	C
13		(9A.56.068)	
14	B	Possession of Stolen Property 1	C
15		(9A.56.150)	
16	C	Possession of Stolen Property 2	D
17		(9A.56.160)	
18	D	Possession of Stolen Property 3	E
19		(9A.56.170)	
20	B	Taking Motor Vehicle Without	C
21		Permission 1 (9A.56.070)	
22	C	Taking Motor Vehicle Without	D
23		Permission 2 (9A.56.075)	
24	B	Theft of a Motor Vehicle (9A.56.065)	C
25		Motor Vehicle Related Crimes	
26	E	Driving Without a License (46.20.005)	E
27	B+	Hit and Run - Death (46.52.020(4)(a))	C+
28	C	Hit and Run - Injury (46.52.020(4)(b))	D
29	D	Hit and Run-Attended (46.52.020(5))	E
30	E	Hit and Run-Unattended (46.52.010)	E
31	C	Vehicular Assault (46.61.522)	D
32	C	Attempting to Elude Pursuing Police	D
33		Vehicle (46.61.024)	
34	E	Reckless Driving (46.61.500)	E
35	D	Driving While Under the Influence	E
36		(46.61.502 and 46.61.504)	

1	B+	Felony Driving While Under the	B
2		Influence (46.61.502(6))	
3	B+	Felony Physical Control of a Vehicle	B
4		While Under the Influence (46.61.504(6))	
5		Other	
6	B	Animal Cruelty 1 (16.52.205)	C
7	B	Bomb Threat (9.61.160)	C
8	C	Escape 1 ¹ (9A.76.110)	C
9	C	Escape 2 ¹ (9A.76.120)	C
10	D	Escape 3 (9A.76.130)	E
11	E	Obscene, Harassing, Etc., Phone Calls	E
12		(9.61.230)	
13	A	Other Offense Equivalent to an Adult	B+
14		Class A Felony	
15	B	Other Offense Equivalent to an Adult	C
16		Class B Felony	
17	C	Other Offense Equivalent to an Adult	D
18		Class C Felony	
19	D	Other Offense Equivalent to an Adult	E
20		Gross Misdemeanor	
21	E	Other Offense Equivalent to an Adult	E
22		Misdemeanor	
23	V	Violation of Order of Restitution,	V
24		Community Supervision, or Confinement	
25		(13.40.200) ²	

26 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
27 and the standard range is established as follows:

28 1st escape or attempted escape during 12-month period - 28 days
29 confinement

30 2nd escape or attempted escape during 12-month period - 8 weeks
31 confinement

32 3rd and subsequent escape or attempted escape during 12-month
33 period - 12 weeks confinement

34 ²If the court finds that a respondent has violated terms of an order,
35 it may impose a penalty of up to 30 days of confinement.

36 **JUVENILE SENTENCING STANDARDS**

1 This schedule must be used for juvenile offenders. The court may
 2 select sentencing option A, B, C, or D.

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OPTION A
 JUVENILE OFFENDER SENTENCING GRID
 STANDARD RANGE

	A++	129 to 260 weeks for all category A++ offenses				
	A+	180 weeks to age 21 for all category A+ offenses				
	A	103-129 weeks for all category A offenses				
	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D+	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
	E	LS	LS	LS	LS	LS
PRIOR		0	1	2	3	4 or more
ADJUDICATIONS						

20 NOTE: References in the grid to days or weeks mean periods of
 21 confinement. "LS" means "local sanctions" as defined in RCW
 22 13.40.020.

23 (1) The vertical axis of the grid is the current offense
 24 category. The current offense category is determined by the offense
 25 of adjudication.

26 (2) The horizontal axis of the grid is the number of prior
 27 adjudications included in the juvenile's criminal history. Each prior
 28 felony adjudication shall count as one point. Each prior violation,
 29 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
 30 point. Fractional points shall be rounded down.

31 (3) The standard range disposition for each offense is determined
 32 by the intersection of the column defined by the prior adjudications
 33 and the row defined by the current offense category.

1 (4) RCW 13.40.180 applies if the offender is being sentenced for
2 more than one offense.

3 (5) A current offense that is a violation is equivalent to an
4 offense category of E. However, a disposition for a violation shall
5 not include confinement.

6 **OR**

7 **OPTION B**

8 **SUSPENDED DISPOSITION ALTERNATIVE**

9 (1) If the offender is subject to a standard range disposition
10 involving confinement by the department, the court may impose the
11 standard range and suspend the disposition on condition that the
12 offender comply with one or more local sanctions and any educational
13 or treatment requirement. The treatment programs provided to the
14 offender must be either research-based best practice programs as
15 identified by the Washington state institute for public policy or the
16 joint legislative audit and review committee, or for chemical
17 dependency treatment programs or services, they must be evidence-
18 based or research-based best practice programs. For the purposes of
19 this subsection:

20 (a) "Evidence-based" means a program or practice that has had
21 multiple site random controlled trials across heterogeneous
22 populations demonstrating that the program or practice is effective
23 for the population; and

24 (b) "Research-based" means a program or practice that has some
25 research demonstrating effectiveness, but that does not yet meet the
26 standard of evidence-based practices.

27 (2) If the offender fails to comply with the suspended
28 disposition, the court may impose sanctions pursuant to RCW 13.40.200
29 or may revoke the suspended disposition and order the disposition's
30 execution.

31 (3) An offender is ineligible for the suspended disposition
32 option under this section if the offender:

33 (a) Is adjudicated of an A+ or A++ offense;

34 (b) Is (~~fourteen~~) 14 years of age or older and is adjudicated
35 of one or more of the following offenses:

36 (i) A class A offense, or an attempt, conspiracy, or solicitation
37 to commit a class A offense;

38 (ii) Manslaughter in the first degree (RCW 9A.32.060);

1 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
2 the first degree (RCW 9A.56.120), kidnapping in the second degree
3 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
4 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
5 manslaughter 2 (RCW 9A.32.070); or

6 (iv) Violation of the uniform controlled substances act (RCW
7 69.50.401(2) (a) and (b)), when the offense includes infliction of
8 bodily harm upon another or when during the commission or immediate
9 withdrawal from the offense the respondent was armed with a deadly
10 weapon;

11 (c) Is ordered to serve a disposition for a firearm violation
12 under RCW 13.40.193;

13 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
14 or

15 (e) Has a prior option B disposition.

16 **OR**

17 **OPTION C**

18 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

19 If the juvenile offender is subject to a standard range
20 disposition of local sanctions or 15 to 36 weeks of confinement and
21 has not committed a B++ or B+ offense, the court may impose a
22 disposition under RCW 13.40.160(4) and 13.40.165.

23 **OR**

24 **OPTION D**

25 **MANIFEST INJUSTICE**

26 If the court determines that a disposition under option A, B, or C
27 would effectuate a manifest injustice, the court shall impose a
28 disposition outside the standard range under RCW 13.40.160(2).

29 NEW SECTION. **Sec. 6.** Sections 1, 3, and 5 of this act expire
30 July 1, 2023.

31 NEW SECTION. **Sec. 7.** Section 2 of this act takes effect July 1,
32 2023.

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